



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,917	03/26/1999	KARTIK S CHANDRAN	CISCP100	2820

22434 7590 11/18/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 11/18/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

22

Advisory Action

Application No.

09/276,917

Applicant(s)

CHANDRAN ET AL.

Examiner

Dustin Nguyen

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: prior art still renders claims unpatentable and the final rejection is deemed proper.

1. Applicants' arguments filed for reconsideration on 10/23/2002 have been fully considered but are not persuasive.
2. In the remark, Applicants argued that (1) Nardin fails to teach or suggest dequeuing its contents "at a separate time".
3. As to point (1), the Office maintains its rejection for the reasons set forth in the previous Office Actions dated 08/15/2002 and 05/14/2002.
4. In the remark, Applicants argued that (2) Nardin fails to teach or suggest "dequeuing its contents" as recited in the claims. The claim requires "dequeuing its contents," not a packet, a cell or some other fraction of its contents. It is respectfully submitted that those of skill in the art would understand that the time-based queue dequeues "its contents," not "a part of its contents."
5. As to point (2), Examiner disagrees because on page 5, line 27-29 of the specification, it mentions the dequeuing "portion of a time-based queue's buffered data". Also, claims 1, 15, 25, 28, and 30 do not mention the dequeuing ALL or ENTIRE time-based queue.
6. In the remark, Applicant argued that (3) Rizzi fails to teach or suggest the features of claim 29, i.e., "each time-based queue dequeues its entire contents at its separate time for dequeuing."
7. As to point (3), the Office maintains its rejection for the reasons set forth in the Office Action dated 08/15/2002. Furthermore, Nardin mentions high priority queue (i.e. HP) (e.g. col 6, line 25-29), so as long as bandwidth is available to service the high priority queue, all of the queue will be serviced since it is granted the highest priority by server.